

TC-5-18 FRONTAGES AND MOBILE RETAIL / ORDINANCE NO. (xxx-2018)

AN ORDINANCE TO MODIFY REGULATIONS FOR FRONTAGES, INCLUDING THE RELATIONSHIP OF TREE CONSERVATION AND BUILD-TO AREA; THE DETERMINATION OF THE PRIMARY STREET FOR MULTIPLE FRONTAGE LOTS; MINIMUM SETBACK FOR THE PARKING LIMITED FRONTAGE; AND TO DEFINE AND PROVIDE STANDARDS FOR MOBILE RETAIL

WHEREAS, the Unified Development Ordinance seeks to improve the relationship between buildings and the street through the means of frontages; and

WHEREAS, regulations related to tree conservation areas, primary street determination for corner lots, and the Parking Limited frontage all affect the building-street relationship; and

WHEREAS, the existing criteria for determining the primary street frontage of a corner lot does not always produce predictable results; and

WHEREAS, build-to areas established by a building type are the result of a less area-specific process than those established by a zoning frontage and therefore should not supersede tree conservation areas along corridors; and

WHEREAS, the Parking Limited frontage is intended for areas where some degree of walkability is desired but where some amount of parking is likely to be placed between the building and the street; and

WHEREAS, the Parking Limited frontage currently allows a front setback of 0', which can lead to an inconsistent frontage between adjacent properties;

WHEREAS, the City of Raleigh desires to introduce a new allowance for "mobile retail";

WHEREAS, the Unified Development Ordinance contains regulations related to temporary uses or activities;

WHEREAS, the City Council received a petition of citizens where interest was expressed in conducting certain temporary retail sales when contained within a fully enclosed travel trailer;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 1.5.4.A Setback Types is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

A. Setback Types

There are 4 types of setback – primary street setback, side street setback, side setback and rear setback. Through lots, except reverse-frontage lots, are considered to have 2 primary street setbacks. Reverse-frontage lots may designate either street as primary.

Section 2. Section 1.5.4.C Multiple Street Frontage Lots is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

C. Multiple Street Frontage Lots

For the purposes of determining setbacks, build-to lines, and other regulations, a multiple street frontage site or lot other than an Open Lot must designate at least 1 primary street prior to development, not to include additions. A lot may have more than 1 primary street. The following rules determine the primary street:

1. A lot developed with the Apartment, General, Mixed-Use or Civic building types shall designate its primary street using the criteria shown in (a) through (f) below. Only the block of the street on which the lot has frontage will be considered.

If two streets meet any of criteria (a) through (d), both will be designated primary.

If three meet any of criteria (a) through (d), the two streets that meet more of (a) through (d) will be designated as primary; if they meet the same number, then the applicant may choose the two streets.

If four meet any of criteria (a) through (d), the three streets that meet more of (a) through (d) will be designated as primary; if they meet the same number, then the applicant may choose the three streets.

If no street meets criteria (a) through (d), then the street that that satisfies more of criteria (e) through (g) will be designated as primary. If the criteria do not apply or do not produce a clear result, then any street may be designated as primary by the applicant.

- a. The street with transit service;
- b. The street designated as a Main Street, Transit Emphasis Corridor, or Urban Thoroughfare on the Urban Form Map;
- c. Any street, other than a six-lane street, within or on edge of the Downtown Center on the Urban Form Map, as long as the lot is also within the Downtown Center;
- d. The street designated as a Mixed-use Street on the Raleigh Street Map;
- e. The street designated as a Major Street on the Raleigh Street Map;
- f. The street with on-street parking;
- g. The street with the higher classification on the Raleigh Street map;
2. A block face predominately developed with the Townhouse building type shall designate as its primary street either a Local Street or Mixed-use Street, if available. If the site fronts on more than one street meeting these criteria or if they do not apply, then the selection of primary street shall be based on the criteria for Apartment, General, Mixed-Use, or Civic buildings. Any street designated as primary must form the face of a block or extend fully through the property.

3. For an Attached or Detached building, a corner lot shall designate its primary street as being opposite the rear yard of any adjoining lot. If the corner lot abuts only the side yard of adjoining lots or abuts another corner lot, then the primary street shall be located along the narrowest frontage. If the frontages are within 10 percent of being equal, any street may be designated as primary. In no case will a Major Street be designated as the primary street.
4. A limited-access highway shall never serve as the primary street.
5. A dead-end or cul-de-sac street can only be identified as primary for residential lots.
6. A private street cannot be primary unless the lot has no public street frontage.
7. In the event an adopted plan designates primary streets, the adopted plan shall control.
8. If none of the criteria produce a result, the applicant may designate the primary street.

Section 3. Section 1.5.6.A Defined is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

A. Defined

1. The build-to is the area on the lot where a certain percentage of lot width must be occupied with principal building façade, measured as a minimum and maximum setback range from the edge of the proposed or existing right-of-way, whichever is greater.
2. The required percentage specifies the amount of the lot width that must be occupied by front building façade within the build-to range, measured based on the width of the building divided by the width of the site or lot.
3. There are 2 types of build-to – primary street build-to and side street build-to. Through lots are considered to have at least 1 primary street build-to. The designation of the primary street build-to shall follow the rules of 1.5.4.C. No build-to is required on the non-primary street frontage of a through lot.

Section 4. Article 12.2. Defined terms is hereby amended by inserting the following underlined text, deleting the text shown with a strike-through, and inserting two new terms in the correct alphabetical order:

Corner lot: ~~A lot of that has least 2 intersecting sides that abut for their full length a street.~~ A lot that has frontage along two intersecting streets.

Reverse-frontage lot: a residential lot with more than one frontage, where access from the lot or adjacent lots is taken from a lower volume street, and rear yards are located adjacent to a higher volume street.

Through lot: a lot with more than one frontage, not located on a corner.

Section 5. Section 9.1.3. Tree Conservation Required is hereby amended by inserting the following underlined text:

2. Any eligible tree conservation priority in conflict with a build-to requirement established by a zoning frontage is not required to be protected. Unless a zoning frontage exists, there is no maximum setback for the Townhouse and Apartment building types when a tree conservation area occupies the build-to area.

Section 6. Section 3.4.5 Parking Limited is hereby amended by inserting the following underlined text and deleting the text shown with a strike-through:

C1 Primary street build-to (min/max) ~~0²Minimum setback based on base dimensional standards for the specific building type/100'~~

Section 7. Section 6.8.2 of the Part 10 Raleigh Unified Development Ordinance, Temporary Use Permit Required, is hereby amended by adding a new subsection F that reads as follows:

F. Temporary Mobile Retail

1. Defined

Temporary mobile retail is the sale of certain goods or services on a developed property within a completely enclosed recreational vehicle that is a licensed motor vehicle or a travel trailer that is transported by a licensed motor vehicle.

2. Use Standards

a. Temporary mobile retail shall be allowed in the following zoning districts: OX, OP, NX, CX, IX, DX.

b. Only the following goods may be sold in a temporary mobile retail vehicle: clothing, grooming products, and the sale of any goods accessory to the services permitted in mobile retail. The following services may be provided in a temporary mobile retail vehicle: animal care, beauty/hair salon, optometrist, banking and counseling.

b. No activity shall occur outside of the enclosed sales area.

c. One 6-square-foot A-Frame style sign may be allowed directly in front of the temporary mobile retail vehicle.

d. The temporary mobile retail vehicle must be located within a parking space.

e. A site may host a mobile retail event, which consists of hosting a mobile vehicle or vehicles, for a maximum of four hours in one day. A mobile retail event may include two consecutive days, but no more than two. A site may host a mobile retail event for a maximum of ten total events within one calendar year.

f. If a generator is utilized, it must operate below 65 decibels.

Section 8. This text change has been reviewed by the Raleigh City Planning Commission.

Section 9. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 10. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 11. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 12. This ordinance is effective 90 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning